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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,214	06/27/2001	Hideki Inomata		4819
2292	7590	09/27/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			VO, TUNG T	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/894,214	Applicant(s) INOMATA ET AL.	
	Examiner Tung T. Vo	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,21 and 22 is/are pending in the application.
 4a) Of the above claim(s) 6-20 and 23-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5,21 and 22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/05/01</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-5, 21 and 22 that are directed to the elected Species I in the reply filed on 08/12/04 is acknowledged. The traversal is on the ground(s) that No such allegations have been made by the Examiner in the present requirement. This is not found persuasive because it is clearly shown that the Species I, illustrated in Figs. 1-5, are different from the Species II, illustrated in Figs. 6-11; the Species II, illustrated in Figs. 6-11, are different from the Species III, illustrated in Figs. 12-15; and the Species III, illustrated in Figs. 12-15, are different from the Species IV, illustrated in Figs. 13-19. The Species I, II, III, and IV are different from each other in the present application.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 6-20, 23-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species II, III, and IV, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 08/12/04.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-5, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. (US 6,466,625 B1).

Re claims 1 and 21, Kobayahsi discloses a picture coding apparatus comprising:

a picture analyzing unit (15 of fig. 17, e.g. the MV detection (25) detects the source picture data to estimate the motion vector called coding difficulty information) for analyzing source picture data to obtain coding difficulty information;

a picture conversion unit (23 of fig. 17, e.g. the pre-filter is converting the source picture data into a picture format) for converting a picture format of the source picture data;

an coding unit (24 of fig. 17, e.g. the encoder is encoding the picture format into a bit stream, encoded bitstream) for encoding picture data converted by the picture conversion unit;

and a conversion controller (28 of fig. 17, e.g. the pre-filter control is controlling the pre-filter (23)) based on the motion vector, coding difficulty information) for controlling the picture

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conversion unit based on the coding difficulty information to convert the picture format using spatial conversion, temporal conversion, or both (see Fig. 19B and Fig. 20, e.g. ST31- ST47 of fig. 20, e.g. controlling the process of pre-filtering).

Re claims 2 and 22, Kobayashi discloses wherein the coding difficulty information is information about the source picture data, including at least one of: spatial frequency component information, noise component information, inter-frame change information, and inter-frame motion vector information (46, MV, of fig. 17).

Re claim 3, Kobayashi discloses wherein the coding unit encodes picture data based on conversion information input thereto by the picture conversion unit, and multiplexes the conversion information to the picture data (k_current, MV, S21, S22 of fig. 17).

Re claim 4, Kobayashi discloses wherein the picture analyzing unit analyzes the source picture data using a specific threshold value (fig. 21).

Re claim 5, Kobayashi discloses wherein the picture analyzing unit determines the threshold value based on a coding result from the coding unit (46, 47, 28, 48 of fig. 17, the threshold value is based on the bandwidth of encoding from the encoding unit 24 of fig. 17).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carr et al. (US 4,609,941) discloses a television signal standards conversion.

Chu et al. (US 5,867,629) discloses a digital video compression system utilizing vector adaptive transform.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


PATENT EXAMINER
T.VO

Tung T. Vo
Primary Examiner
Art Unit 2613